

TITLE 228 - DEPARTMENT OF LABOR

CHAPTER 4 - CESSATION ORDER

001. This chapter is adopted pursuant to Neb. Rev. Stat. §48-1803.

002. The Commissioner may order, in writing, a temporary cessation of operation of any amusement ride or related electrical equipment if it has been determined after inspection and/or observation to be hazardous or unsafe.

003. Operation of the amusement ride or related electrical equipment shall not resume until the unsafe or hazardous condition is corrected to the satisfaction of the Commissioner.

004. Personal injuries and deaths.

An owner/operator shall submit a report in writing to the Commissioner due to an accident resulting in injury to any person within forty-eight hours after occurrence of the incident. The report of an accident shall be a duplicate copy of the report submitted to insurance companies. The operator shall immediately report by telephone any accident in which a fatality occurs or a person suffers a fracture, concussion, laceration, or other traumatic injury requiring immediate surgical or medical care. The Commissioner, after consultation and determination with the owner and/or operator, may require that the scene of such an accident be secured and not disturbed to any greater extent than necessary for removal of the deceased or injured persons. If a ride is removed from service by the Commissioner, he/she shall order an immediate investigation and the ride or device shall be released for repair and operation only after complete investigation. In such cases that resulted in death, formal written release of the ride must be given by the Commissioner to the owner prior to resuming operation.

005. Mechanical failure reports.

The operator shall immediately report to the Commissioner a major breakdown, as defined in Title 228, Chapter 1(023), after occurrence of the incident by telephone. Upon being advised of such an incident, the Commissioner or his/her designee, after reviewing the circumstances, may order the ride or device to be withheld from

operation and, in such cases, the Commissioner shall, as soon as possible, conduct an immediate investigation. The ride or device shall be released for repair and operation only after the complete investigation by the Commissioner's inspector.

006. Safety order.

If an authorized inspector finds a condition on a ride or device which does not comply with the rules, he/she will issue a safety order requiring that the condition be corrected within a specified time. This time limit will be established at the time of the inspection by agreement between the inspector and the owner/operator. As soon as the work is finished, the safety order shall be signed and mailed back to the inspector. If the order is not returned within the established time limit or the Commissioner is not informed of the reason why the time limit cannot be met, an inspector will investigate the situation and take whatever steps necessary to enforce compliance with the order. If a carnival should leave Nebraska before complying with the order and the certification of compliance is not met, a permit to operate in a subsequent season shall not be issued until it is determined that all provisions of previous orders have been completed. Failure to comply with a safety order may result in a revocation of the operator's permit(s) to operate in the state and/or prosecution for violation of the Act. In a situation where an inspector discovers a condition which is a direct and immediate severe hazard to health or a direct and imminent danger to life, an inspector shall verbally stop the operation of an amusement ride/amusement device immediately. The inspector shall notify the Commissioner of the action taken and the operator shall eliminate the cause of hazard prior to again restarting the amusement ride/amusement device. The inspector shall make an emergency inspection and issue a recommended mechanical repair prior to operation.

007. At which time a ride is issued a safety order to shut down due to a condition that needs correction, the fair official, sponsor of event, and/or responsible party will be immediately notified and made aware of the order.